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OCT 08 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Ming-Hui WEI et al.

Art Unit: 1652

Serial No.: 10/681,223

Examiner: M. Monshipouri

Filed: October 9, 2003

Atty. Docket: CL001305DIV2

For: ISOLATED HUMAN KINASE PROTEINS,  
 NUCLEIC ACID MOLECULES ENCODING  
 HUMAN KINASE PROTEINS, AND USES  
 THEREOF

*File  
 purpose  
 only*

**PRELIMINARY AMENDMENT**

Honorable Commissioner of  
 Patents and Trademarks  
 Washington, D.C. 20231

*By Facsimile*

Sir:

This is in response to an Office Action mailed on September 8, 2004 from Examiner Monshipouri in which a restriction requirement was issued for the above-referenced application.

Applicants hereby elect claim group III (claims 4-6, 8-11, and 22-23, drawn to isolated nucleic acid molecules, vectors, host cells, etc.) for examination and have canceled claims corresponding to the non-elected groups I-II and IV-VIII.

Please amend the application as follows:

FEE VALUE		ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.			
50	0970		
1202	5949	(37)	
1203	7010		

10/20/2004 DWILLIGEN 00000003 060970 20030223  
 01 FEB 1202  
 02 1203

Serial No. 10/681,223

**REMARKS**

By way of the above amendments, claims 1-23 have been canceled, and claims 24-37 have been added. As such, claims 24-37 are presently pending.

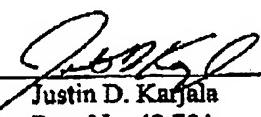
The newly added claims add no new subject matter and their entry is respectfully requested.

Applicants respectfully assert that the claims are in condition for examination on the merits.

Respectfully submitted,

CELERA GENOMICS

By:



Justin D. Karjala  
Reg. No. 43,704

Date: October 8, 2004

Celera Genomics Corporation  
45 West Gude Drive, C2-4#20  
Rockville, MD 20850  
Tel: 240-453-3812  
Fax: 240-453-3084

Application No.: 10/681,223

Examiner: Maryam MONSHIPOURI

Filed: October 9, 2003

Group Art Unit: 1652

Inventor: Ming-Hui WEI

Attorney Docket No.: CL001305DIV-II

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

 No additional fee is required.

The fee has been calculated as shown below:

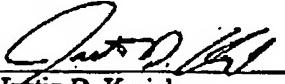
CLAIMS AS AMENDED						
	TOTAL CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	56	MINUS	23	= 33	x \$18	\$ 594.00
INDEP. CLAIMS	6	MINUS	6	= 0	x \$88	\$ 0.00
Fee for Multiple Dependent claims= \$300						\$300.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT—						\$ 894.00

- Verified Statement claiming small entity status is enclosed, if not filed previously.
- A check in the amount of \$\_\_\_\_\_ is enclosed.
- Charge the amount of \$ 894.00 to Deposit Account No. 50-0970 to cover the additional claims fee. A duplicate copy of this sheet is enclosed.

- Any prior general authorization to charge an issue fee under 37 C.F.R. § 1.18 to Deposit Account No. 50-0970 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 50-0970. A duplicate copy of this paper is enclosed.
- Charge the amount of \$    to Deposit Account No. 50-0970 to cover the Extension fee for response within    months. A duplicate copy of this sheet is enclosed.
- Charge the amount of \$    to Deposit Account No. 50-0970 to cover the Information Disclosure Statement fee. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

CELERA GENOMICS

By: 

Justin D. Kajala  
Reg. No. 43,704

Date: October 8, 2004

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